

The Georgia State Board of Pharmacy met on March 17, 2004 at the Professional Licensing Boards Office, 237 Coliseum Drive, Macon, GA.

Members Present:

- Mickey Tatum, President
- Fred Barber
- Jeff Lurey
- Eddie Madden
- Charles Palmer
- Bill Prather
- John Sherrer

Staff Present:

- Rick Allen, Deputy Director, Georgia Drugs and Narcotics Agency
- Janet B. Wray, Board Attorney
- Sylvia L. Bond, Executive Director, Georgia Board of Pharmacy
- Ylice Crews, Administrative Assistant/Board Secretary

Visitors Present:

- Ms. Tina Stanford, Attorney
- Bob Weinholt, Advocate
- Lynn Panter, North Georgia Drug Taskforce

Mr. Tatum established that a quorum was present, and called the meeting to order at 10:04 a.m.

Mr. Sherrer moved, Mr. Prather seconded, and the Board voted to enter into **EXECUTIVE SESSION** in accordance with O.C.G.A. §§43-1-19(h)(2) and 43-1-2(k) to review applications, deliberate on disciplinary matters, and to receive information on investigative reports. Voting in favor of the motion were those present who included Board Members Mr. Barber, Mr. Lurey, Mr. Madden, and Mr. Palmer.

At the conclusion of EXECUTIVE SESSION the Board returned to **Open Session** to vote on the matters discussed in Executive Session and to conduct other Board business.

APPOINTMENT (S)

- The Board met with **Samuel Kilgore and his attorney** to discuss possible reinstatement.
- The Board met with **Henry L. Carter and his advocate** to discuss possible reinstatement.
- The Board met with **S.W. and her advocate** to discuss possible reinstatement.
- The Board met with **Lynn Panter, North Georgia Drug Taskforce**, who presented information pertaining to Meth Labs and the use of Ephedrine/Pseudoephedrine.

Janet B. Wray, Attorney General's Office:

- A status report on current cases was reviewed.
- Mrs. Wray presented the following consent orders for approval:
 - Michael Lo
 - Kenneth Arthur
 - Robert Brown
 - Pamela Marquess
 - Michael Manos

- At this time, Mrs. Wray presented the Board with the Attorney General's opinion as it related to the following two rules: Chapter 480-19 and Chapter 480-2-.02 and .03.

Rick Allen, Deputy Director, Georgia Drugs & Narcotics Agency:

- Currently, GDNA is down four agents.
- A verbal report of current bills pending was discussed.

Eddie Madden, Cognizant Board member reported on the following cases

- Investigative Interview – Board Case #PHAR0400032, GDNA Case #A04-06, A04-07, A04-10, A04-12, A-04-13, A04-14, A04-15 and A03-57.

Sandy Bond, Executive Director:

- Presented a letter from J.A.J. ref: reinstatement of license.
- Reviewed exam dates in May and confirmed that Board Meeting will be held on May 25th.

Samuel Kilgore, RPh: Mr. Barber made a motion to **approve** Mr. Kilgore's request for reinstatement of his pharmacist license. The motion was seconded by Mr. Prather and approved by the Board.

Henry L. Carter, RPh: Mr. Palmer made a motion to **approve** Mr. Carter's request for reinstatement of his pharmacist license. The motion was seconded by Mr. Sherrer and approved by the Board.

S.W., RPh: Mr. Madden made a motion to **approve** S.W.'s request for reinstatement of her pharmacist license. The motion was seconded by Mr. Prather and approved by the Board.

Lynn Panter, North Georgia Drug Taskforce: the Board viewed Mr. Panter's presentation relating to Meth Labs and the use of Ephedrine/Pseudoephedrine as informational.

The following votes were made in reference to Mrs. Wray's report:

- **Michael Lo, RPH:** Mr. Palmer made a motion to **accept** the public consent order signed by Mr. Lo. The motion was seconded by Mr. Sherrer and approved by the Board.
- **Kenneth Arthur, RPH:** Mr. Sherrer made a motion to **accept** the public consent order signed by Mr. Arthur. The motion was seconded by Mr. Prather and approved by the Board.
- **Pamela Marquess, RPh:** Mr. Sherrer made a motion to **accept** the public consent order signed by Ms. Marquess. The motion was seconded by Mr. Lurey and approved by the Board.
- **Robert Brown, RPh:** Mr. Madden made a motion to **accept** the public consent order signed by Mr. Brown. The motion was seconded by Mr. Lurey and approved by the Board.
- **Michael Manos:** Mr. Madden made a motion to **accept** the public consent order signed by Mr. Manos. The motion was seconded by Mr. Lurey and approved by the Board.

The following votes were made in reference to Mrs. Wray's reports concerning Rule 480-19 and 480-2-.02 and .03:

Rule 480-19: Mr. Palmer moved that it is the Board's opinion that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. § 43-26-5(a)(2), 43-26-5(a)(7), and 43-26-7(b) and that it is not legal or feasible to meet the objectives of O.C.G.A. 43-26-5(a)(2), 43-26-5(a)(7), and 43-26-7(b) to adopt or implement differing actions for business as listed at O.C.G.A. § 50-13-4(3)(A),(B),(C) & (D). The Board also states that the formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Pharmacy.

The Board moves to post the proposed amendment to Georgia Board of Pharmacy Rules and Regulations, Chapter 480-19. Expected Sales of Schedule V Substances. The motion was seconded by Mr. Barber and approved by the Board.

Rule 480-2-.02 and .03: Mr. Sherrer moved that it is the Board's opinion that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. § 43-26-5(a)(2), 43-26-5(a)(7), and 43-26-7(b) and that it is not legal or feasible to meet the objectives of O.C.G.A. 43-26-5(a)(2), 43-26-5(a)(7), and 43-26-7(b) to adopt or implement differing actions for business as listed at O.C.G.A. § 50-13-4(3)(A),(B),(C) & (D). The Board also states that the formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Pharmacy.

The Board moves to post the proposed amendment to Georgia Board of Pharmacy Rules and Regulations, Chapter 480-2-.02 and .03. Education and Experience Requirements. The motion was seconded by Mr. Lurey and approved by the Board.

The following votes were made in reference to the Cognizant Member's report:

Investigative Interview, Board Case #PHAR0400032: The cognizant member referred this case to the Board of review. Mr. Sherrer made a recommendation of placing this case on hold until April. The motion was seconded by Mr. Prather and approved by the Board.

#A04-06: The cognizant member recommended that a \$5,000.00 fine be imposed on the pharmacist with a public consent order for failing to review patient profiles to identify drug over utilization, drug therapeutic duplications, and clinical abuse and misuse of drugs between 5-3-2000 and 9-12-2003. Mr. Sherrer made a motion to approve the recommendation. The motion was seconded by Mr. Lurey and approved by the Board.

#A04-07: The cognizant member recommended that a \$5,000.00 fine be imposed on the pharmacist with a public consent order for failing to review patient profiles to identify drug over utilization, drug therapeutic duplications, and clinical abuse and misuse of drugs between 3-9-2000 and 1-28-2003. Mr. Sherrer made a motion to approve the recommendation. The motion was seconded by Mr. Prather and approved by the Board.

#A04-10: The cognizant member referred this case to the Board review. Mr. Sherrer recommended tabling this case until after the civil case is processed. The motion was seconded by Mr. Barber and approved by the Board.

#A04-12: The cognizant member recommended accepting the private interim consent order upon receipt. Mr. Sherrer made a motion to approve the recommendation. The motion was seconded by Mr. Palmer and approved by the Board.

#A04-13: The cognizant member recommended accepting the private interim consent order upon receipt. Mr. Lurey made a motion to approve the recommendation. The motion was seconded by Mr. Sherrer and approved by the Board.

#A04-14: The cognizant member recommended accepting the private interim consent order upon receipt. Mr. Lurey made a motion to approve the recommendation. The motion was seconded by Mr. Sherrer and approved by the Board.

#A04-15: The cognizant member recommended accepting the private interim consent order upon receipt. Mr. Lurey made a motion to approve the recommendation. The motion was seconded by Mr. Sherrer and approved by the Board.

#A03-57: The cognizant member referred this case to the Board for review. Mr. Sherrer made a motion to issue a consent order to include the following: Five (5) years probation, random drug screens, quarterly

reports, Board approves work location and RPH must submit treatment plan. The motion was seconded by Mr. Lurey and approved by the Board.

The following recommendation was made in reference to Mrs. Bond's report:

- **Request for Reinstatement – J.A.J.**: The Board recommended sending an application to J.A.J., along with Policy 3(B).

The Board made the following votes regarding the submitted applications:

- **T.M.**: Mr. Palmer made a motion to **approve** the applicant's request for reinstatement. The motion was seconded by Mr. Barber and approved by the Board.
- **M.D.**: Mr. Sherrer made a motion to **deny** M.D.'s request for reduction in fee for reinstatement. The motion was seconded by Mr. Lurey and approved by the Board.
- **A.R.P.**: Mr. Barber made a motion to **deny** applicant's request for licensure by reciprocity. The motion was seconded by Mr. Lurey and approved by the Board.
- **B.C.L.**: Mr. Prather made a motion to **approve** B.C.L.'s application for an intern license. The motion was seconded by Mr. Sherrer and approved by the Board.

Letter from D. Daniel Kleckley ref: Callistus Eziukwu, RPh: Mr. Sherrer made a motion to **deny** Mr. Kleckley's request, on behalf of Mr. Eziukwu, to meet with the Board to discuss possible reinstatement. The motion was seconded by Mr. Lurey and approved by the Board.

Letter from Britt Roberts, RPh: Mr. Barber made a motion to **deny** Mr. Robert's request to meet with the Board to discuss possible reinstatement. The motion was seconded by Mr. Sherrer and approved by the Board.

Letter from Karen Long, RPh: Mr. Sherrer made a motion to **approve** Ms. Long's request to meet with the Board to discuss possible reinstatement. The motion was seconded by Mr. Lurey and approved by the Board.

Letter from Thomas C. Coleman, RPh: Mr. Barber made a motion to **deny** Mr. Coleman's request to meet with the Board to discuss possible reinstatement. The motion was seconded by Mr. Lurey and approved by the Board.

Letter from L. Craig Fraser ref: John R. Hodges, RPh: Mr. Sherrer made a motion to **deny** Mr. Fraser's request, on behalf of Mr. Hodges, to meet with the Board to discuss possible reinstatement. The motion was seconded by Mr. Lurey and approved by the Board.

Letter from John A. Marzullo, RPh: Mr. Madden made a motion to **deny** Mr. Marzullo's request to meet with the Board to discuss possible reinstatement. The motion was seconded by Mr. Barber and approved by the Board.

Letter from Nicholas Collora, RPh: Mr. Madden made a motion to **approve** Mr. Collora's his choices of community service. The motion was seconded by Mr. Lurey and approved by the Board.

Newly Licensed Pharmacists/Pharmacy Interns: Mr. Prather made a motion to **ratify** all newly licensed pharmacists/pharmacy interns. The motion was seconded by Mr. Sherrer and approved by the Board. (Attachment 1)

Listing of Administratively Approved Reinstatement Applications: Mr. Lurey made a motion to **approve** the reinstatement applications administratively approved by the Board staff. The motion was seconded by Mr. Prather and approved by the Board. (Attachment 2)

Draft – February 2004 Minutes Mr. Madden made a motion to **approve** the February minutes as amended. The motion was seconded by Mr. Prather and approved by the Board.

Listing of Administratively Approved Nuclear Pharmacist Application: Mr. Lurey made a motion to **approve** the nuclear pharmacist application administratively approved by the Board staff. The motion was seconded by Mr. Prather and approved by the Board.

Review verbal request from Clark B. Hentz, Jr., RPh: Mr. Madden made a motion to **approve** Mr. Hentz's request to meet with the Board to discuss possible reinstatement. The motion was seconded by Mr. Sherrer and approved by the Board.

Letter from Bob Pavlasky, Director of Sales with Telepharmacy Solutions, Inc.: Mr. Palmer made a motion to **approve** Mr. Pavlasky's request to meet with the Board to review ADDS Telepharmacy Solutions. The motion was seconded by Mr. Sherrer and approved by the Board.

Letter from David Leitch and Tom Prose with Kroger: The Board reviewed Kroger's response to the Board's questions involving Kroger Central Fill System. The Board requested that Sylvia Bond, Executive Director, send a letter updating them on the status of this issue.

John Sherrer:

- At this time, he would like to set up a taskforce as it pertains to Pharmacy Technicians. This task force would review technician licensure requirements. The members agreed for him to move forward with the planning of this taskforce.

There being no further business to be discussed, the meeting was adjourned at 3:30 p.m.

Mickey Tatum, President

**Mollie L. Fleeman, Division Director
Professional Licensing Boards Division**

**Minutes Prepared By: Ylice Crews, Administrative Assistant/Board Secretary
Reviewed/Edited By: Sylvia L. Bond, Executive Director**